

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**CASE NO.: 2:10-CR-166
JUDGE SMITH
MAGISTRATE JUDGE ABEL**

EDY MONTEZUMA,

Defendant.

ORDER

On July 6, 2010, the Magistrate Judge issued a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), recommending that the Court accept Defendant Edy Montezuma's guilty plea to the Information charging him with one count of intentionally and unlawfully possessing with intent to distribute more than 100 kilograms of marijuana in violation of 21 U.S.C. §841(a)(1) and §841(b)(1)(B)(vii).

Defendant, represented by counsel, waived his right to appear on the matter before a District Judge. The Magistrate Judge conducted the colloquy required by Rule 11 of the Federal Rules of Criminal Procedure. Defendant's plea was knowing, voluntary, free from coercion, and had a basis in fact.

Defendant was specifically informed of his right to contest the Report and Recommendation by filing any objections within 10 days of the issuance of the Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. Defendant did not file any objections.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **ACCEPTS** Defendant's plea of guilty to Count One of the Information. Defendant is hereby adjudged guilty of intentionally and unlawfully possessing with intent to distribute more than 100 kilograms of marijuana.

IT IS SO ORDERED.

/s/ George C. Smith

**GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT**